

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GERALD D MCALVEY,

Plaintiff,

vs.

ATLAS COPCO COMPRESSORS, L.L.C., et  
al.,

Defendants.

Case No. 14-cv-0064-SMY-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant Union Carbide Corporation's motion for summary judgment (Doc. 262). Defendant Union Carbide Corporation filed a Motion for Summary Judgment on October 2, 2014. Plaintiff's response was due November 6, 2014. The plaintiff has failed to file a response to Defendant's Motion. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion, and the Court will do so in this case. See Local Rule 7.1(c) (requiring a response to a motion for summary judgment be filed 30 days after service of the motion and stating a failure to timely respond may be deemed an admission of the merits of the motion); see also *Tobel v. City of Hammond*, 94 F.3d 360, 362 (7th Cir.1996) ("[T]he district court clearly has authority to enforce strictly its Local Rules, even if a default results."). In conclusion, the Court **GRANTS** Defendant Union Carbide Corporation's motion for summary judgment (Doc. 262).

**IT IS SO ORDERED.**

**DATED: November 24, 2014**

/s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**